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09/311,092	05/13/1999	MICHAEL A. HELGESON	1004.123101	9772

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HONEYWELL INTERNATIONAL INC.
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

EXAMINER
NGUYEN, NAM V

ART UNIT	PAPER NUMBER
2635	

DATE MAILED: 04/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/311,092	Applicant(s) HELGESON, MICHAEL A.	
	Examiner Nam V Nguyen	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 May 1999* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5 and 7* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

The application of Helgeson for a "state validation using bi-directional wireless link" filed May 13, 1999 has been examined. A preliminary amendment to the claims have been entered and made of record. Claims 1-34 are pending.

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show label boxes in figure 1 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The title of the invention is missing. A title is required that is clearly indicative of the invention to which the claims are directed.

Claim 3 is objected to because of the following informalities: sate is mis-spell word of "state". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "a type" in claims 14-16 is a relative term which renders the claim indefinite. The term "a type" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2, 10-12 and 13-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Jacobsen et al. (US # 6,198,394.)

Referring to claim 1, Jacobsen et al. disclose a system for remote monitoring of personnel as claimed in 1. See Figure 7 and respective portions of the system specification.

Jacobsen et al. show a building monitoring system (column 16 lines 46 to 60) utilizing bi-directional radio frequency communication (see Figure 7) comprising:

At least one master unit (400) including a radio frequency transmitter and receiver (406) (see Figure 6A); and

A plurality of remote units (50) having a radio frequency transmitter and receiver (60 in Figure 4A), said remote units capable of transmitting to and receiving from said master unit (see Figure 7).

Referring to claim 2, Jacobsen et al. disclose a building monitoring system as set forth in claim 1, wherein at lest some of said remote units (50) include sensors (302) logically coupled to said remote units (50) (see Figure 4A).

Referring to claim 10, Jacobsen et al. disclose a building monitoring system as set forth in claim 2, wherein said remote units (50) have an armed state (column 12 lines 13 to 15) in which said sensors are active (column 9 line 8) and able to measure sensor variables (178 and 162 in Figure 2), and a disarmed state (column 12 lines 13 to 15) in which said remote units (50) are unable to transmit messages, wherein said remote units (50) have means for switching between said armed and disarmed states (column 12 lines 13 to 15), and wherein said means for

switching between the armed and disarmed states is responsive to a message received from said master unit (400).

Referring to claim 11, Jacobsen et al. disclose a building monitoring system as recited in claim 10. Jacobsen et al. did not clearly disclose wherein said remote units are unable to measure at least some sensor variables while in said disarmed state, however, Jacobsen et al. disclose that the sensors may be power on for 2 seconds of every minute (column 9 lines 12 to 14). Therefore, remote units are unable to measure at least some sensor variables while in said disarmed state is inherent when the sensors power off.

Referring to claim 12, Jacobsen et al. disclose a building monitoring system as recited in claim 10, wherein said remote units includes a controller (310 in Figure 4A) logically coupled to said receiver (60), wherein said means for switching between said armed and disarmed states passes (column 12 lines 13 to 15) said message from said receiver (60) to said controller (310); processes said message in said controller (column 3 lines 51 to 56); executes arm instructions in response to an arm message (column 9 lines 8 to 10); executes disarm instructions in response to a disarm message (column 15 lines 5-10), wherein said disarm instructions prevent said sensor change messages from being transmitted (column 15 lines 10 to 14).

Referring to claim 13, Jacobsen et al. disclose a building monitoring system as set forth in claim 2, wherein said remote units (50) have a reading sensor state (170, 26, 30 in Figure 2) in which said sensors (178 and162) are read by said coupled remote units (50), wherein said reading sensor state (170) is entered in response to a read message received from said master unit (400); and

Said system (see Figure 7) including means for validating a sensor event (174), said means for validating including means for requesting reading (column 8 lines 56 to 64) of said sensor (162) initiated by said master unit (400) and means for reading said sensor (162) by said remote unit (50) responsive to said means for requesting, wherein said means for validating includes means for transmitting sensor data from said remote unit (50) to said master unit (400) (column 14 lines 39 to 44.)

Referring to claim 14, Jacobsen et al. disclose a building monitoring system as set forth in claim 13, wherein said sensors (162 and 178) have a type (26 or 30 or 170) and, said means for validating sensor data includes at least two different validation processes (158 or 174), wherein means for validating include means for identifying a sensor type (26 or 30 or 170) and means responsive to said type (26 or 30 or 170) for determining which of said validation processes to use (158 or 174.)

Referring to claim 15, Jacobsen et al. disclose a building monitoring system as set forth in claim 14, wherein said validation processes (128) waits a predetermined time before requesting an additional sensor reading and said predetermined time to wait is a function of said remote sensor type (168) (column 9 lines 10 to 14.)

Referring to claim 16, Jacobsen et al. disclose a building monitoring system as set forth in claim 14, wherein said means for validating includes an indication of whether to request an additional sensor reading and said indication of whether to request said additional reading is a function of said remote sensor type (column 9 lines 14 to 19.)

Referring to claim 17, Jacobsen et al. show a building monitoring system utilizing bi-directional radio frequency communication (see Figure 7) comprising:

At least one master unit (400) including a radio frequency transmitter and receiver (406) (see Figure 6A); and

A plurality of remote units (50 or 320) having a radio frequency transmitter and receiver (60 in Figure 4A), said remote units (50) capable of transmitting to and receiving from said master unit (see Figure 7) and capable of generating polling events in response to a poll message (column 8 lines 28 to 37) received from said master unit (400);

Said remote units (50) each having at least one timer for generating a timeout event (column 9 line 13);

Said remote units (50) each having at least one sensor (178) for measuring selected variables (170);

Said remote units (50) capable of generating a sensor event (30) in response to a sensor change of measurements (158); and

Said remote units (50) each having a non-communicating state with low power consumption (column 9 lines 13 to 15) and in which said remote units can neither receive nor transmit, and a receiving state having higher power consumption (column 9 lines 8 to12) than said non-communicating state and in which said units can received, wherein said selected remote units (50) are in said receiving state only after selected event occurrences (168), wherein said selected events (174) are selected from the group consisting of timeout events, polling events, and sensor events (column 13 lines 33 to 38.)

Referring to claims 18 and 19, Jacobsen et al. disclose a building monitoring system as set forth in claim 17, wherein said remote units (50) each have a transmitting state in which said remote unit can transmit (column 3 lines 40 to 45) and in which power consumption is higher than in said non-communicating state (column 12 lines 13 to 15), wherein said polling event and sensor event (100) (column 8 lines 28 to 37) causes said remote unit (50) to enter said transmitting state followed by entering said receiving state (column 3 lines 51 to 56).

Referring to claim 20, Jacobsen et al. disclose a building monitoring system as set forth in claim 19, wherein said sensor event (170, 26, 30 or 100) is caused by a change in a measured variable (column 2 lines 50 to 55).

Claims 1, 3-9, 23-29, 31-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Reis et al. (US# 5,973,613.)

Referring to claim 1, Reis et al. disclose a personal messaging system and method as claimed in 1. See Figure 3 and respective portions of the system specification.

Reis et al. show a building monitoring system (9) (column 11 lines 4 to 10) utilizing bi-directional radio frequency communication (see Figure 3 and column 11 lines 4 to 10) comprising:

At least one master unit (7) including a radio frequency transmitter (103) and receiver (101) (see Figure 4); and

A plurality of remote units (8) having a radio frequency transmitter (3) and receiver (1), said remote units (8) capable of transmitting to and receiving from said master unit (see Figure 3).

Referring to claim 3, Reis et al. show a building monitoring system (9) according to claim 1, wherein said remote units having a first low power consumption state in which said remote units can neither receive or transmit (column 35 lines 13 to 15), a second power consumption state in which said units can receive (column 13 lines 42 to 44 and column 14 lines 1 to 9), and third power consumption state in which said units can transmit (column 14 lines 18 to 21), wherein said second and third state have higher power consumption than said first state (column 38 lines 20 to 27).

Referring to claim 4, Reis et al. disclose a building monitoring system according to claim 3, wherein said remote units (8) are in said receive state only at predetermined intervals (column 32 lines 46 to 49).

Referring to claim 5, Reis et al. disclose a building monitoring system according to claim 4, Reis et al. disclose wherein said remote units (8) are in said receive state only after being in said transmit state (column 32 lines 51 to 56.)

Referring to claim 6, Reis et al. disclose a building monitoring system according to claim 5, Reis et al. disclose wherein said remote units (8) are in said receive state and wait an acknowledgment from said master unit only after being in said transmit state (column 9 lines 50 to 54.)

Referring to claim 7, Reis et al. disclose a building monitoring system according to claim 4, wherein said remote units (8) transmit messages at periodic intervals (column 33 lines 44 to 48).

Referring to claim 8, Reis et al. disclose a building monitoring system according to claim 4, wherein said remote units (8) transmit messages after a predetermined event for a discrete

period of time (column 33 lines 48 to 52) and then await an acknowledgment of said message transmission (column 9 lines 50 to 54).

Referring to claim 9, Reis et al. disclose a building monitoring system according to claim 8, wherein said remote units (8) receive said acknowledgment (column 5 lines 51 to 56), said remote units do not further transmit said transmitted message (column 5 lines 56 to 60).

Referring to claim 23, Reis et al. disclose a personal messaging system and method as claim 23. See Figure 3 and respective portions of the system specification.

Reis et al. show a method communicating between a remote unit (8) and a master unit (7) in a radio-frequency building monitoring system (9) (see Figure 3) comprising:

Transmitting a message (column 10 lines 54 to 55) from the remote unit (8) to the master unit (7); and transmitting an acknowledge (column 9 lines 50 to 57) from the master unit (7) to the remote unit (8) indicating receipt of the message (see Figure 2.)

Referring to claim 24, Reis et al. disclose a method according to claim 23, further comprising the steps of:

Transmitting a message (column 10 lines 55 to 57) from the master unit to the remote unit; and transmitting an acknowledge (column 9 lines 21 to 26) from the remote unit (102) to the master unit (216) indicating receipt of the message (see Figure 2.)

Referring to claim 25, Reis et al. disclose a method for communicating between a remote unit (8) and a master unit (7) in a radio-frequency building monitoring system (see Figure 3), wherein the remote unit (8) is capable of transmitting to and receiving messages from the master unit (7) (column 10 lines 51 to 57,) the remote unit (8) further having a non-communicating low power consumption state (column 32 lines 34 to 36) in which said remote unit can neither receive nor transmit, a receiving state in which said remote unit (8) can receive, and a transmitting state in which said remote unit (8) can transmit receive, said remote unit also having at least one sensor producing a sensor change event (column 42 lines 16 to 26), the method comprising:

waiting for sensor change event while in said non-communicating state (column 32 lines 45 to 50);

entering the transmitting state and transmitting a message upon detecting the sensor change event (column 4 lines 42 to 46);

Entering the receiving state and waiting for acknowledgement of said data transmission (column 9 lines 25 to 27); and

returning to the waiting for sensor change step (column 32 lines 51 to 58).

Referring to claim 26, Reis et al. disclose a method as recited in claim 25, wherein said remote unit (102 in Figure 2) does not transmit while in said receiving state and does not receive while in said transmitting state (column 9 lines 26 to 30.)

Referring to claim 27, Reis et al. disclose a method as recited in claim 25, wherein said remote unit (102) receives scheduling information from said master unit (216) while in at least some of said receiving states (column 10 lines 16 to 23.)

Referring to claim 28, Reis et al. disclose a method as recited in claim 25, wherein said remote unit (102) receives transmission frequency instructions from said master (202) while in at least some of said receiving states (column 10 lines 26 to 31).

Referring to claim 29, Reis et al. disclose a method as recited in claim 25, wherein said system includes a validating step, when said validating step includes: receiving a request for a sensor re-read from said master unit, wherein said sensor re-read request is responded to by said remote unit by reading said sensor and transmitting a message to said master unit (column 35 lines 15 to 23).

Referring to claim 31, Reis et al. disclose a method for communicating between a remote unit (8) and a master unit (7) in a radio-frequency building monitoring system (see Figure 3), wherein the remote unit (8) is capable of transmitting to and receiving messages from the master unit (7) (column 10 lines 51 to 57) the remote unit (8) further having a non-communicating low power consumption state (column 32 lines 34 to 36) in which said remote unit can neither receive nor transmit, a receiving state in which said remote unit (8) can receive, and a transmitting state in which said remote unit (8) can transmit receive, the method comprising:

Determining a time (column 5 lines 32 to 36) for communicating with said master (7);

Waiting for said time while in said non-communicating state (column 32 lines 45 to 50);

Changing to said transmitting state and transmitting a message upon attaining said determined time for communication (column 42 lines 45 to 50);

Waiting for acknowledgement of said transmission in said receiving state (column 9 lines 25 to 27); and

Returning to said determining step for determining a new time for communicating with said master (column 6 lines 42 to 48).

Referring to claim 32, Reis et al. disclose a method according to claim 31, wherein the remote unit has at least one sensor for producing sensor output data, at least some of the messages transmitted upon attaining said time for communication including said sensor output data (column 42 lines 16 to 26).

Referring to claim 34, Reis et al. disclose a method according to claim 32, wherein waiting for acknowledgment of said transmission in said receiving state; and waiting while in said non-communicating state (column 39 lines 1 to 12).

Referring to claim 33, Reis et al. disclose a method for communicating between a remote unit (8) and a master unit (7) in a radio-frequency building monitoring system (see Figure 3), wherein the remote unit (8) is capable of transmitting to and receiving messages from the master unit (7) (column 10 lines 51 to 57) the remote unit (8) further having a non-communicating low power consumption state (column 32 lines 34 to 36) in which said remote unit can neither receive nor transmit, a receiving state in which said remote unit (8) can receive, and a transmitting state in which said remote unit (8) can transmit receive, the method comprising:

Providing a time signal (column 13 lines 22 to 25) from said master (7) to said remote (8);

Waiting while in said non-communicating state for a time interval corresponding to said provided time signal (column 9 lines 25 to 27); and

Changing to said transmitting state and transmitting a message after expiration of said time interval (column 42 lines 45 to 50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobsen et al. (US# 6,198,394.)

Referring to claims 21-22, Jacobsen et al. disclose a building monitoring system as set forth in claim 20. Jacobsen et al. did not clearly disclose wherein said sensor variable is binary or continuous variable. However, Jacobsen et al. teach that sensors variable is a physiological variable (column 2 lines 50 to 55) and an environmental variable (column 9 lines 37 to 40.)

At the time the invention, it would have been obvious to a person of ordinary skill in the art to associate a physiological variable such as heart rate, motion status and standing or in a prone position as a binary variable and an environmental variable such as breathing rate, oxygen saturation and ambient temperature as a continuous variable (column 6 lines 21 to 37) as evidenced by Jacobsen et al. because Jacobsen et al. teach that having different variables in order to analyze the data in distinctive ways.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reis et al. in further view of Jacobsen et al. (US# 6,198,394.)

Referring to claim 30, Reis et al. disclose a method as recited in claim 25, however, Reis et al. does not clearly disclose further including:

changing to a disarmed state upon reception of a disarm message from said master unit, wherein, while in said disarmed state, said remote unit does not, in combination, both sense sensor data from the sensor and transmit sensor data; and

changing to an armed state upon reception of an arm message from said master unit, wherein, while in said armed state, said remote unit does, in combination, sense sensor data from the sensor and transmit sensor data.

In the same field of endeavor of remote control system, Jacobsen et al. teach a method further including:

changing to a disarmed state (column 12 lines 13 to 15) upon reception of a disarm message from said master unit (400), wherein, while in said disarmed state, said remote unit (50) does not, in combination, both sense sensor data from the sensor (178) and transmit sensor data; and

changing to an armed state (column 12 lines 13 to 15) upon reception of an arm message from said master unit (400), wherein, while in said armed state, said remote unit (50) does, in combination, sense sensor data from the sensor and transmit sensor data because it would extend the battery life of the remote units and the master unit has full control of the remote units.

One skill in the art to recognize the need for a method of changing to arm or disarmed state from the master unit and while in said arm or disarmed state, said remote unit does not, in

combination, both sense sensor data from the sensor and transmit sensor data in the personal messaging method of Jacobsen et al. into the personal messaging method of Reis et al. because Reis et al. suggests that the need of turning the remote unit power on or power off from the master unit is so desired and Jacobsen et al. teach that changing to armed or disarmed message from said master unit. Therefore, at the time the invention, it would have been obvious to a person of ordinary skill in the art to add Reis et al.'s personal messaging method into the system for remote monitoring of personnel of Jacobsen et al. with the motivation that the remote unit would use little consumption of power and the system is secured by having the master unit has full control of the remote units.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Krasner (US# 6,259,399) discloses GPS receivers and garments containing GPS receivers and methods for using these GPS receivers.

Pidwerbetsky et al. (US# 6,084,530) disclose a modulated backscatter sensor system.

Mosebrook et al. (US# 5,905,442) disclose a method and apparatus for controlling and determining the status of electrical devices from remote locations.

Chaco et al. (US# 5,822,544) disclose a patient care and communication system.

Akiyama et al. (US# 5,745,049) disclose a wireless equipment diagnosis system.

Usui et al. (US# 5,594,447) disclose a moving target identifying system in a base station radar unit for specifying information about moving targets carrying a mobile station radar unit.

Richmond (US# 5,382,948) discloses a vehicular security system with remote signaling for auto carjacking functions.

Greeberg et al. (US# 4,918,425) disclose a monitoring and locating system for an object attached to a transponder monitored by a base station having an associated ID code.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 703-305-3867. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nam Nguyen
April 8, 2002